

## ESTABLISHING A PRIMA FACIE

## WHY TJU CAN NOT BE TRUSTED

I have established a prima facie case from the many produced sufficient evidences to present his case to the jury as the different proffered reasons advanced by TJU each time I got nominated for or requested for promotions the promotion decisions at each level was actually a pretext for discrimination.

### TJU CANNOT BE BELIEVED.

1. When told through compaints made to Faculty Ombudsman of my mis designation a Research Associate on or about 2o10.
2. /2011, and of the 2 Meetings with the Vice Provost and Mr.Thomas from Human Resources,
3. TJU never investigated Late Prof.Schmidt on my complaints.

**5/2025.**TJU through Deposition under Oath of Vice Provost Prof.Novielle, claimed I had limited contributions to lecture delivery ans limited teaching responsibilities, despite overwhelming evidence that I gave an average 11-12 Lecture hrs /year and 520 teaching hours.

Such assertions under oath of the greatest challenge to the integrity of TJU to tell the TRUTH of how I transisted from Part-Time to Full Time lecture and teaching responsibilities like my 2 other colleagues of same medical Degree, less experience, earning over 2ce my salary for same jobs carried out.TJU thinking fabricating I performed more of Research and laboratory duties, goes to sho why TJU can non be believed

That TJU was mostly interested into tapping into my intellectual acumen, virulently exploit this and with with little interest in my Academic career, except for intervention and courage Prof.Peiper took, otherwise TJU would have kept me on a \$40000/yr salary for 17 years (2005-2022) totaling \$680000

In 17 years, my total pay as a Research Associate would have been \$680,000 @ \$40000/yr, compared to \$1,153,000 if I had been paid the same as my two other colleagues Dr.Hector Lopez and Dr.Zhang colleagues if a Research Assistant Professor, and a Faculty Member claimed by TJU itself. Exhibits.

## THE TRUTH.

My professional career were made NON CURRENT, butchered, trampled upon, lied against, unnecessarily inappropriately delayed, 12 of my17 years bludgeoned severed, decapitated, never made CONCURRENT.

Instructor-Ass. Prof 1 YR TIR, prolonged 5 yrs TIR, conflicting. Was that how much poorly my academic credentials were to have made 1yr TIR Into 5 Years TIR. Which concerns could have been that terrible that REQUIRED 5 Years for TJU to resolve. Promotion t from Instructor- Assistant Prof. is the eassiset to accomplish- Mine made the most difficult -500% longer to achieve

Again, an indirect way to keep me shackd down, exploit me intellectually, paying slave era wages?

A 1YR TIR made into 5 Years TIR- A marked departure from Institution protocols.

TJU failed woefully failure to follow its own personnel policies in the promotion process evidence of a discriminatory promotion decision. As stated by the U.S. Eleventh Circuit Court of Appeals in *Carter v. Three Springs Residential Treatment*, 132 F.3d 635 (11th Cir. 1998), it is “suspicious where it is ***alleged that established rules were bent or broken***”

**MY PROMOTION FROM Clinical Instructor to Clinical Assistant Assistant Professor** :A minimum 1YR required Time In Rank became 5 years!!!!, (the equivalence to the required minimum TIR between Clinical Associate and Clinical full Professor !!!!! )

Prof. Novielle quoted reason for this in her letter of 6/30/2022 “*your promotion to Clinical Assistant Professor which was appropriately delayed to resolve concerns about your*

*teaching effectiveness, the primary milestone for achievement of thi"*

*The only part of the 2016/2016 1<sup>st</sup> Year Medical Students Evaluation report during this promotion process were the about 110 comments from my teaching performance in the dissection room as I gave no Lecture 2015/2016 session*

*An analysis of the about 102 comments,  
94 were +v e =93%  
8 -ve= 7%. ( **Exhibit 6** )*

*I don't know of any Institution where 93% positive students approval rating be etiological reaso for resolving " concerns about your teaching effectiveness".*

*However Scores of 2.2% in strong performance in Lecture delivery would.But this did not apply to me as I gave NO LECTURES 2015/2016.Yet, late Prof. Schmidt and Dr. Spudich interntionally weaponized this*

*TJU and Vice Provost needed to show evidences to validate thir "concerns". Teaching evaluations are fact based*

*TJU had violated and failed to follow its own personnel policies in the promotion process, whereby 1 YR TIR between Instructor and Assistant Professor became 5 YRS TIR, the easiest promotion between 2 adjacent*

ranks is EXCESSIVELY prolonged . This was human caused no doubt, as all my References in 2015 were from most senior Professors, one being a Past Chairman, Emeritus Prof. Gorstein

Intentional discrimination is only one aspect of racial and gender exclusion .Such a prolonged delay from concerns over my teaching effectiveness can only come from a bias and stereotyping which often function at an unconscious level, where they play a powerful role in such decisions that was excessively prolonged. 1995-2015 were 20 years of my teaching Anatomy at TJU. 20 years and TJU still doubting my teaching competence

### **Request for a Promotion to a Clinical Associate Professor in 2020.**

2 dissimilar reasons were given for this one from Vice Chairman Professor Menko citing “a female student alleged that I rolled my eyes at her not getting an answer right to my question.

The other 2 reasons were legitimate Clinical Anatomy related outside the academic purview of the evaluator.

A disaster for Evaluators in all subject matters making a judgement on academic matters they have NIL or little background

On 5/5/2020, Vice Provost claimed my promotion was delayed because of (no enough Time in Rank.

In the 1<sup>st</sup> instance, I never met Prof. Novielle in 2020, when I requested for a promotion to the Clinical Associate Professor Rank

The various /divergent reasons given by these high level Decision makers were not valid, illegitimate and are discriminatory failures I am alleging accomplished by discreet manipulations and ***hidden under a veil of self-declared innocence*** on the part of various Institutional figures at TJU.

However, it goes to show when Institutional guidelines are in the realms of individual rules that are inconsistent shows proffered reasons given by 2 TJU decision makers are not consistent and point to proffered reason are not trustworthy again a pretext for discrimination.

2 Key Decision makers, a Vice Provost and a Vice Chairman had 2 different reasons so incongruent and have nothing to do with each other for denying my request to be promoted to Clinical Associate Professor and decision outcomes made no references to my academic credentials, other parameters, chiefly subjective in nature are mere pretexes for a discrimination

,An employer's failure to follow its own personnel policies in the promotion process is evidence of a discriminatory promotion decision. As stated by the U.S. Eleventh Circuit

Court of Appeals in *Carter v. Three Springs Residential Treatment*, 132 F.3d 635 (11th Cir. 1998), it is “suspicious where it is alleged that established rules were bent or broken”

Requests to be Promoted a Clinical Professor in 2022.

Reasons TJU and Vice Provost cited (letter of 2022 and Vice Provost's under deposition 5/5/2025).

Limited TIR.

That can only be TRUE if I were a ROOKIE Anatomy teacher- like a fresh MD or Ph.D

TIR is not RIGID. As even stated in Faculty Hand Book.

TJU should answer this

That even if only at TJU in full time teaching 13 Years, wasted, rubbished, denied be a consideration as part of my TIR was a double jeopardy- Multiple malfeances, poor decisions on arriving at promotion decisions individualized and at odds with is laid down -rules- that of TIR and FLEXIBILITY “

Intentional discrimination is only one aspect of racial bias.. Bias and stereotyping often function at an unconscious level, where they play a powerful role in such decisions: nature of unconscious bias and how it may affect judgments of merit in all aspects of professional and social relations.

**REQUEST FOR A PROMOTION TO FULL PROFESSOR LEVEL**

As academicians, all that is *fundamental to the academy is the search for the truth.*

Unfair, hypocritical, using technical weaponizations of limited TIR, even the malfeances, distortions, interruptions , bastardization , Geek Gifts all traceable to machinations from multiple Decisional makers acting on behalf of TJU, plus Institutional complicity, TJU itself looking the other way when I brought complaints of some of these to the awareness of TJU herself -My Meetings with Faculty Ombudsman (2ce), Meeting with Vice Provost and Mr.Thomas (VP) from HR

Item 27, Deposition under Oath 5/5/2025 , the Vice Provost is quoted again

## **DECLARATION OF KAREN NOVIELLI, M.D.**

---

Now comes, Karen D. Novielli, M.D., who, being first duly sworn according to law, deposes and states the following:

**Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct.**

**27.** I shared my concerns with Dr. Ariyo *about whether he meets the criteria for promotion to Associate Professor, particularly his ability to show excellence in teaching, which is part of my duty as Dean.*

## **Rebuttal to above**

Between 2018 and 2022, my teaching evaluations can only come , comments from

1<sup>st</sup> and 2<sup>nd</sup> year Medical Students

PA

4<sup>th</sup> Year Medical Students

RESIDENT DOCTORS Evaluations

NO LECTURES in HF&D as I gave no lectures between 2010 and 2022 ).

## **Exhibits 31- 4<sup>th</sup> Year Evaluation Reviews**

### DOCUMENT 31

Summary of **Final Year Students Evaluations** after **Directing Anatomy 404** . (Culled from Faculty Review Performance with Vice-Chairman Prof. Sue Menko YR 2019/2020

- **FacultyComments:**

- 5  
MeasurableEvaluationCriteriaOnascaleof1 (Lowest)to 10(Max)
- 1.Amount of attention andSupervision by Dr,Ariyo **8.2**
- 2,Attention **8.4**
- 3. Clinical Anatomy by Dr, Ariyo **9.3**
- 4. Evaluate post presentation comments and additions **8.4**

- 5. How likely will this be recommended to other colleagues 9.6
  - Dr,Shea (retiring Vetran Director I succeded ) ```` personally called to give complementary remarks he gathered from Students

## EXHIBIT 18-Residents Evaluations

### Surgical Anatomy 2019 (Head and Neck): Course Evaluation

1. From 1 (poorest) to 10 (best), please rate your overall impression of the course?

10

2. On a scale of 1 (poorest)-10 best, what score will you give to your Instructor- Dr. Ariyo in the following dispensations:

(a) Effort 10

(b) Effectiveness of lectures 10

(c). Help in the cadaver room 10

(d). Knowledge of Clinical Anatomy 10

(e) Discussions on surgical landmarks 10

3. What is one thing you liked best about the course? Course included reviewing anatomy/key features followed by hands-on learning. Dr. Ariyo was very attentive and helpful in answering our questions.

4. What, if anything, should be added to improve the course? Having a fresh frozen cadaver could be a nice addition.

5. What are your thoughts on how many weeks (the duration) of the course ran? Fine, would keep the number.

If you would make any changes, would you add/take away any time? I thought there were the appropriate number of weeks.

6. What is one thing you will take away from the course and put to use in your everyday practice? From a surgical perspective, gave me appreciation for the depth of particular structures. In addition, to appreciate that not every patient follows the textbooks with location of particular structures and that there is variety among patients.

7. On a scale of 1 (poorest)-10 (best), how likely are you going to recommend this to your future colleagues? 10

8. What are the strength of your Instructor- Dr. Ariyo- he is an excellent instructor. Very knowledgeable. Kind. Approachable. It is apparent that he enjoys anatomy and

teaching. His enthusiasm for the course certainly enhanced my enjoyment of the course.

9. What are the weaknesses of your Instructor- Dr. Ariyo- none

EXHIBIT 18: RESIDENTS EVALUATION

The Vice Provost in her 6/30/2022 letter tried to even weaponize “Limited impact” as part of the reasons quoted for e delayed promotion.

It would appear the only thing TJU recognizes when on a teaching track

- 20 PRP
- 17 Accepted Abstracts
- Regional-3 Invitations
- National 3
- Vast (11) International Recognitions/Presentations etc (MY CV
- My. Was open platform presentation AACA , Oakland USA (206)
- Has 3 Platform presentations, St Georges London

How about always voted best at Teaching CLINICAL ANATOMY

Below Honored Invitations

### **EXHIBIT 30**

**The 2020 AACA Abstract Reviewer Request Form which stated,**

“On behalf of the Association we are contacting you to ask for your assistance with what we believe is one of the

most important elements in organizing the scientific sessions for the 2020 AACRA Annual Meeting in New York, reviewing abstracts.

2021- AACRA Invited if I could be a JUDGE to determine who was best Student Performance Platform

The Vice Provost and I never had any discussions on item 7.

I have my own FACTS.

The Vice-Provost cannot /should not just be allowed to or entitled to peddling teaching effectiveness without sharing what constitute these. Where are the evidence for these? actually, a pretext for discrimination.

In addition to emotional, financial, and reputational harms had been done to me, even though that at all levels I requested for a promotion, if my academic credentials had been objectively assessed, I had met the required minimal qualification for such requests made, judged by TJU's objective qualifications for the position including ,

- My education
- My experience (39 yrs).
- Work performance.

Such discriminatory failures I am alleging are accomplished by discreet manipulations and hidden under a veil of self-declared innocence on the part of various Institutional figures at TJU.

TJU had severally violated and failed to follow its own personnel policies in the promotion process, which clearly evidences of a discriminatory promotion decision , especially knowing too well that I had met the required minimal qualification for the

The Greek Gift offer of a Promotion offer to the Clinical Associate Position and the coercions, threats etc made contingent on giving up my rights

Promised a Recommendation of an Assistant Professor Position in 2005

Retired 2022 SAME Assistant PROFESSOR!!!!!!!!!!

Multiple negative promotion decisions by TJU and several of its Decision makers had impacted and interrupted my faculty career at TJU ; a career completely ruined. In addition to emotional, financial, and reputational harms are almost irreparable

SGN.OLUTAYOARIYO  
Pro se.

